

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENNIE EARL BARNES,)
Petitioner,)
)
vs.) C.A. No. 05-100 ERIE
)
MARILYN S. BROOKS, Warden, et al.,)
Respondents.)

ORDER

Petitioner has moved for the appointment of counsel to assist him with his pending petition for writ of habeas corpus. There is no federal right to habeas corpus counsel.

Pennsylvania v. Finley, 481 U.S. 551, 555 (1987) (“[the Supreme Court] had never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions”). The right to counsel extends only through trial and the first appeal as of right. McClesky v. Zant, 499 U.S. 467, 495 (1991). Moreover, Petitioner’s pleadings clearly state his alleged violations of federal law in order to support his habeas corpus petition.

IT IS HEREBY ORDERED that Petitioner's Motion for Appointment of Counsel [Document # 6] be DENIED.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge

Dated: September 1, 2005